

[AS REPORTED FROM THE JUSTICE AND LAW REFORM  
COMMITTEE]

*House of Representatives, 11 July 1989.*

**Words struck out are shown in italics within bold round brackets, words inserted are shown in roman underlined with a single rule.**

[AS REPORTED FROM THE COMMITTEE OF THE WHOLE HOUSE]

*House of Representatives, 10 October 1989.*

**[Clause 198 of this Bill was formerly clause 198 of the Law Reform (Miscellaneous Provisions) Bill: 122-2]**

*Hon. W. P. Jeffries*

## WAR PENSIONS AMENDMENT (NO. 2)

### ANALYSIS

Title	198. Rates of pensions and allowances may be increased by Order in Council
1. Short Title	

### A BILL INTITULED

#### **An Act to amend the War Pensions Act 1954**

BE IT ENACTED by the Parliament of New Zealand as follows:

**1. Short Title**—This Act may be cited as the War Pensions  
5 Amendment Act (No. 2) 1989, and shall be read together with  
and deemed part of the War Pensions Act 1954 (hereinafter  
referred to as the principal Act).

**198. Rates of pensions and allowances may be  
increased by Order in Council**—(1) The principal Act is  
10 hereby amended by repealing section 75c, and substituting the  
following section:

“75c. (1) The Governor-General may from time to time, by  
Order in Council, amend the First to Seventh and Twelfth  
Schedules to this Act by increasing the rate of any pension or  
15 allowance set out in those Schedules.

“(2) Every Order in Council made under **subsection (1)** of this section shall state the date (on which it comes into force) from which it is to have effect (which may be a date before the date on which it was made) and shall apply to pensions and allowances payable in respect of the period commencing on the date (on which it comes into force) from which it is to have effect and ending with the day before the date of its revocation by a subsequent Order in Council. Nothing in this subsection shall authorise any payment to be made before the order is made. 5

“(3) Every Order in Council made under this section and laid before the House of Representatives pursuant to the Regulations Act 1936 shall expire on the close of the (31st day of December in the calendar year following the calendar year during) period of 12 months commencing with the date on which it was so laid, except so far as it is expressly validated and confirmed by an Act of Parliament passed before that date. 10 15

“(4) Every such Order in Council which is laid before the House of Representatives pursuant to the Regulations Act 1936, and which has been revoked by a subsequent Order in Council before the close of the 31st day of December in the calendar year following the calendar year during which it was so laid, shall be deemed to be invalid in respect of the period it purported (to be in force) to have effect except so far as it is expressly validated and confirmed in respect of that period by an Act of Parliament passed before that date. 20 25

“(5) Every Order in Council made under this section shall, (while it continues in force,) have the force of law as if it was enacted by this Act.

“(6) The validity of any Order in Council made under this section shall not be affected by reason only of the repeal of an Act of Parliament validating and confirming it.” 30

(2) The following enactments are hereby consequentially repealed:

- (a) Section 4 of the War Pensions Amendment Act 1983;
- (b) So much of the First Schedule to the War Pensions Amendment Act (No. 3) 1986 as relates to section 75c of the principal Act. 35